

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

AIMEE SMITH,

Plaintiff,

V.

KENTUCKY FRIED CHICKEN,

Defendant.

Case No. CV-2:06-CV-00027-CSC

MOTION FOR CONTINUANCE

Defendant KFC U.S. Properties, Inc., by and through its undersigned attorney, moves this Court to continue the evidentiary hearing for Defendant's Motion To Dismiss, Or In The Alternative, Stay The District Court Proceedings And Compel Arbitration (hereinafter "Motion to Compel Arbitration") for 30 days from its current setting of Thursday, May 4, 2006, for the following reasons:

1. On Friday, April 14, 2006, the Court set an evidentiary hearing for Thursday, May 4, 2006 on Defendant's Motion to Compel Arbitration.
2. The parties have discussed the opportunities for settlement, and Defendant is hopeful that settlement can be reached in this matter.
3. Additional time is required to attempt to reach settlement terms acceptable to both parties.

4. If settlement can be reached, the evidentiary hearing would be unnecessary and judicial resources would be conserved.

5. Plaintiff, through her counsel, verbally consented to the granting of the requested relief.

Therefore, Defendant moves this Court, with the consent of Plaintiff, to continue the evidentiary hearing for Defendant's Motion to Compel Arbitration for 30 days from Thursday, May 4, 2006.

Respectfully submitted this 25th day of April, 2006.

/s/Kira Y. Fonteneau

Kira Y. Fonteneau (ASB-7338-K58F)

E-mail: kfonteneau@constangy.com

CONSTANGY, BROOKS AND SMITH, LLC

Suite 900, One Federal Place

1819 Fifth Avenue North

Birmingham, AL 35203

Telephone: (205) 252-9321

Facsimile: (205) 323-7674

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that the undersigned electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following:

Priscilla Black Duncan
P.B. Duncan & Associates, LLC
472 South Lawrence Street Suite 204
Montgomery, Al 36104

Alicia Kay Haynes
Haynes & Haynes, PC
1600 Woodmere Drive
Birmingham, AL 35226

This 25th day of April, 2006

/s/ Kira Fonteneau

Kira Fonteneau ASB-7338-K58F